

EXHIBIT 2

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 SOCIAL LIFE MAGAZINE, INC.,

4 Plaintiff,

New York, N.Y.

5 v.

20 Civ. 3311(VEC)

6 SENTINEL INSURANCE COMPANY
7 LIMITED,

8 Defendant.

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9 Teleconference
Order to Show Cause

10 May 14, 2020
11 10:00 a.m.

12 Before:

13 HON. VALERIE E. CAPRONI,

14 District Judge

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16 APPEARANCES

17
18 GABRIEL J. FISCHBARG
19 Attorney for Plaintiff

20 STEPTOE & JOHNSON, LLP
21 Attorneys for Defendant
22 BY: CHARLES A. MICHAEL
23 SARAH D. GORDON
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1 your property.

2 MR. FISCHBARG: Well, the virus exists everywhere.

3 THE COURT: It damages lungs. It doesn't damage
4 printing presses.

5 MR. FISCHBARG: Right. Well, that's a different
6 issue, whether or not -- that's a different issue than the
7 *Roundabout* case that had to do with accessibility. Now we are
8 jumping to the topic of whether a virus can cause physical
9 damage to a printing press, as your Honor mentioned. So that's
10 a separate issue, and there are a lot of cases that we have
11 cited where this type of material, a virus, does cause physical
12 damage.

13 THE COURT: What's your best case? What do you think
14 is your best case under New York law?

15 MR. FISCHBARG: Well, the problem is, under New York
16 law, there isn't much law. The New Jersey federal court, in
17 *TRAVCO*, citing other cases, including from other circuits,
18 where physical damage had a broader interpretation that
19 includes loss of use and not just, you know, something where
20 you take a hammer and break an item.

21 THE COURT: With loss of use, I mean, loss of use from
22 things like mold is different from you not being able to,
23 quote, use your premises because there is a virus that is
24 running amuck in the community.

25 MR. FISCHBARG: Okay. I would disagree with that. I